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Letter dated 11 December 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I wish to bring to your attention the views of the Islamic Republic of Iran on the sixth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015), contained in document S/2018/1089, as follows:

(a) The statement of the Islamic Republic of Iran following the adoption of United Nations Security Council resolution 2231 (2015), which is reflected in the annex to document S/2015/550, and the positions contained therein, are reiterated once more, as they are relevant today as they were before;

(b) Since the previous report of the Secretary-General, the United States of America has reintroduced and reimposed all its unlawful unilateral sanctions that had been lifted on 16 January 2016 consistent with Security Council resolution 2231 (2015), in a material breach of its obligation to "refrain from re-introducing or re-imposing" them. Those sanctions, following its unwarranted and unlawful decision to impulsively withdraw from the Joint Comprehensive Plan of Action, constitute multiple wrongful acts which, among others, flagrantly violate paragraphs 1, 2 and 10 of Security Council resolution 2231 (2015) and the commitments contained in paragraphs 21, 22, 26, 27, 28, 29, 30, 32 and 33 of its annex A, and deliberately flout paragraphs 2, 4, 5 and 6 of its annex B;

(c) The Secretary-General has rightly expressed in his report that the United States' sanctions "do not advance the goals set out in the Plan and resolution 2231 (2015)". However, the report disappointingly failed to provide an assessment of how seriously they violate the resolution, including its annexes, or affect its implementation as a whole. The United States has upped its contempt for a multilaterally negotiated agreement endorsed by and attached to a Security Council resolution in an unprecedented way by also coercing other States to violate it in defiance of Article 25 of the Charter of the United Nations;

(d) The Secretary-General provided that "it is essential that the Plan continue to work for all its participants, including by delivering tangible economic benefits to the Iranian people". This, however, underestimates the broad commitments of the E3+3 under Security Council resolution 2231 (2015) and the Joint Comprehensive Plan of Action, as they are committed to lifting all nuclear-related sanctions as well as to carrying out certain other obligations under the Joint Comprehensive Plan of Action, such as refraining "from any policy specifically intended to directly and

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adversely affect the normalisation of trade and economic relations with Iran". As a matter of fact, Iran is being chastised because it insists on genuinely implementing its undertakings under the Joint Comprehensive Plan of Action. We regret that the report fails to call out the culprit and to hold it to account for its whimsical, wrongful action;

(e) The United States' unilateral coercive measures in the form of financial and economic sanctions, as "unlawful" and "illegitimate" as they are, run also counter to the provisional measures ordered by the International Court of Justice on 3 October 2018 (S/2018/899, annex). The Court ordered the United States to remove impediments arising from the measures announced following its withdrawal from the Joint Comprehensive Plan of Action since they have a serious detrimental impact on the health and lives of individuals. Those sanctions victimize civilians indiscriminately at a scale amounting to crimes against humanity by targeting the population's basic human rights, in particular the right to health and the right to food, which endangers their very right to life. It should be reminded in this context that the United States Secretary of State just recently threatened all Iranians to mass starvation (S/2018/1057). The Secretariat was expected to include the order by the principal judicial organ of the United Nations in the report of the Secretary-General as a significant development regarding the sanctions of the United States, which are also contrary to its obligations under the resolution and the Joint Comprehensive Plan of Action;

(f) The United States sanctions, including the designation of Iran's Atomic Energy Organization, impair the civil cooperation projects permitted by paragraph 21 of Security Council resolution 2231 (2015), as well as its annex A, with regard to both the Fordow facility and the Arak reactor. Those projects constitute some of the main pillars of the functioning of the Joint Comprehensive Plan of Action and resolution 2231 (2015). Taking into account the negative impacts of such sanctions, the Secretariat was expected to include it in the report of the Secretary-General;

(g) The report once again has focused "on the provisions set forth in annex B to resolution 2231 (2015)", against the requirement of paragraph 7 of the note by the President of the Security Council (S/2016/44). As elaborated in the letters dated 17 July 2016 (S/2016/626), 18 January 2017 (S/2017/51), 29 June 2017 (S/2017/560), 19 December 2017 (S/2017/1075), and 26 June 2018 (S/2018/634) from the Islamic Republic of Iran, any report on the implementation of the resolution shall consider the commitments of all participants of the Joint Comprehensive Plan of Action, as well as the obligations of other States for the implementation of the resolution, including its operative paragraph 2;

(h) I would like to reiterate the call by the Permanent Representative of the Islamic Republic of Iran on 19 December 2017 (S/2017/1075) and 26 June 2018 (S/2018/634) upon the Security Council and the Secretary-General to consider concrete guarantees to ensure effective and functional implementation of the "case by case" authorization mechanisms set forth in paragraphs 4 to 6 of annex B. The status quo, that not even a single authorization has been granted by the Security Council, mainly due to the United States' bullying and wrongful acts, has rendered those mechanisms as well as the Secretary-General's reporting on related paragraphs meaningless;

(i) We express our serious disappointment with respect to paragraphs 10, 11, 20, 21, 22, 23, 24, 25 and 27 of the report, which imply the Secretariat's continued engagement, contrary to its mandate as defined in paragraphs 6 and 10 of the note by the President of the Security Council (S/2016/44), in verification trips "to examine" allegations regarding implementation of annex B to the resolution, as well as information-gathering from media sources. As we have stated on previous occasions,

the findings or recommendations emanating from such non-mandated activities lack credibility and legitimacy;

(j) The report contains totally false and baseless allegations from, inter alia, the United States, the Israeli regime, the Kingdom of Saudi Arabia and the United Arab Emirates, which have publicly announced their intentions and policies to ruin the Joint Comprehensive Plan of Action and resolution 2231 (2015). The report, however, provides nearly no information on their own non-compliance with the resolution as well as their efforts to prevent the implementation of the resolution by other States. The Secretariat chose to ignore even the very basic information that the Islamic Republic of Iran has officially provided in this regard in the past six months (S/2018/634, S/2018/967, S/2018/988, S/2018/1054, S/2018/1057 and S/2018/1073);

(k) The Security Council resolutions that were terminated in accordance with resolution 2231 (2015) have no standing anymore, and the reference to them in the report of the Secretary-General is legally not sound and politically not wise. It is a deviation from the impartial and professional manner in which the report has to be prepared;

(l) There is a call in annex B to resolution 2231 (2015) upon Iran "not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons" for a limited time period. This wording is a deliberate compromise following lengthy negotiations in order to exclude Iran's defensive missile programme that is "designed" exclusively for conventional warheads. The public statements and testimonies of those directly involved in the nuclear negotiations, including from the United States, as well as the subsequent practice of the Security Council,[1] further confirm this fact. In the same vein, the Secretariat shall, in reporting on the implementation of relevant paragraphs, seriously refrain from making any reference to irrelevant criteria or definitions. It is of utmost importance, as there are no related, internationally negotiated and multilaterally agreed definitions or criteria;

In conclusion, I would like to reiterate that the United States' irresponsible approach with respect to its multilateral obligations and international law, as well as its insolent disregard for multilateral instruments and institutions, are threatening international peace and security by undermining the rule of law and damaging the tenets of Charter-based multilateralism in all its aspects. The Security Council should shoulder its historical responsibility and stand up against political bullying before it becomes too late.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Eshagh **Al Habib**
Ambassador
Chargé d'affaires a.i.

[1] S/2016/649, para. 21.